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15 **IN THE UNITED STATES DISTRICT COURT**
16
17 **FOR THE DISTRICT OF ARIZONA**

18 Nikola Corporation,

19
20 Plaintiff,

21 vs.

22 Trevor R. Milton, et al.,

23 Defendants.
24

Case No.: CV-24-00563-PHX-SHD

**NOTICE OF COMPLIANCE
WITH ORDER**

25 **PLEASE TAKE NOTICE** that, on March 4, 2025, this Court entered an order
26 (the “Order”) requiring Nikola Corporation (“Nikola”) to file a notice of this pending case
27 in its Chapter 11 bankruptcy case and include a copy of the Order as an exhibit to the
28 notice. (*See* Doc. 79.)

1 **PLEASE TAKE FURTHER NOTICE** that, on March 17, 2025, Nikola complied
2 with the Order by filing a notice on the docket of the pending bankruptcy case. A copy of
3 the filed notice is attached hereto as **Exhibit A**.

4 **PLEASE TAKE FURTHER NOTICE** that the United States Trustee is an official
5 serving within the United States Trustee Program that is a component of the United States
6 Department of Justice responsible for overseeing the administration of bankruptcy cases
7 pursuant to 28 U.S.C. § 586 and 11 U.S.C. 101, *et seq.*, and does not represent any
8 individual bankruptcy estate. In certain cases, the United States Trustee may appoint a
9 chapter 11 trustee to manage the affairs of a debtor. No chapter 11 trustee has been
10 appointed in Nikola's chapter 11 case. Instead, pursuant to 11 U.S.C. §§ 1107 and 1108,
11 Nikola remains in possession and control of its bankruptcy estate and is able to perform all
12 the functions and duties of a trustee, including the management and control of this
13 litigation.

1 Dated: March 18, 2025

Respectfully submitted,

2 **KASOWITZ BENSON TORRES LLP**

3 By: /s/ Thomas J. Amburgy

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EXHIBIT A

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

Nikola Corp., *et al.*,¹

Debtors.

Chapter 11

Case No. 25-10258 (TMH)

(Jointly Administered)

**NOTICE OF ORDER OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

PLEASE TAKE NOTICE that, the above-captioned debtors and debtors in possession (collectively, the “Debtors”) file this notice pursuant to that certain order (the “Arizona District Court Order”) of the United States District Court for the District of Arizona (the “Arizona District Court”), dated March 4, 2025, in *Nikola Corp. v. Milton*, No. CV-24-00563-PHX-SHD (the “Arizona Litigation”). A copy of the Arizona District Court Order is attached hereto as **Exhibit A**.

PLEASE TAKE FURTHER NOTICE that, based on the Arizona District Court’s belief that the United States Trustee represents the bankruptcy estate and its desire to afford the United States Trustee the opportunity to intervene in the Arizona Litigation, it required the Debtors to file a copy of the Arizona District Court Order in this Court by March 18, 2025.

¹ The Debtors in these chapter 11 cases, together with the last four digits of each Debtor’s federal tax identification number, are: Nikola Corporation (registered to do business in California as Nikola Truck Manufacturing Corporation) (1153); Nikola Properties, LLC (3648); Nikola Subsidiary Corporation (1876); Nikola Motor Company LLC (0193); Nikola Energy Company LLC (0706); Nikola Powersports LLC (6771); Free Form Factory Inc. (2510); Nikola H2 2081 W Placentia Lane LLC (N/A); 4141 E Broadway Road LLC (N/A); and Nikola Desert Logistics LLC (N/A). The Debtors’ headquarters are located at 4141 East Broadway Road, Phoenix, AZ 85040.

PLEASE TAKE FURTHER NOTICE that, the Debtors will file a copy of this notice in the Arizona District Court along with a short explanation that the Debtors remain in possession of their respective estates.

Dated: March 17, 2025
Wilmington, Delaware

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Counsel to the Debtors and Debtors in Possession

EXHIBIT A

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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Nikola Corporation,

10 Plaintiff,

11 v.

12 Trevor R Milton, et al.,

13 Defendants.
14

No. CV-24-00563-PHX-SHD

ORDER

15 The Court is in receipt of the Notice of Filing Bankruptcy, which notified the Court
16 that Plaintiff Nikola Corporation filed for Chapter 11 Bankruptcy in the U.S. Bankruptcy
17 Court for the District of Delaware, Case No. 25-10258-TMH. (Doc. 78.) Nikola filed for
18 bankruptcy after it commenced this action. Nikola's interest in this cause of action is
19 therefore property of Nikola's bankruptcy estate. *See Cusano v. Klein*, 264 F.3d 936, 945
20 (9th Cir. 2001); *In re Goldstein*, 526 B.R. 13, 21 (B.A.P. 9th Cir. 2015) ("Legal causes of
21 action are included within the broad scope of § 541 [of the Bankruptcy Code]. This
22 includes prepetition . . . causes of action based on contract." (citation omitted)).

23 Because the United States Trustee represents the bankruptcy estate, 11 U.S.C. § 323,
24 the Trustee, "being in a position to take control of the litigation by reason of the fact that
25 the cause of action has become a part of the estate, should have the opportunity to make
26 the choice which is most advantageous to the estate," including to intervene. *Meyer v.*
27 *Fleming*, 327 U.S. 161, 165–67 (1946).

28 //

1 Accordingly,

2 **IT IS ORDERED** that Nikola shall, within **14 days of this Order**, file a notice of
3 this pending case in its Chapter 11 Bankruptcy proceedings. Nikola shall include this Order
4 as an exhibit to the notice.

5 **IT IS FURTHER ORDERED** that the United States Trustee in the above Chapter
6 11 Bankruptcy proceeding may have until **March 31, 2025**, to intervene in this action, if
7 the Trustee so chooses.

8 Dated this 4th day of March, 2025.

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Honorable Sharad H. Desai
United States District Judge